

Date: April 13, 2021

Damean W. E. Freas, D.O., Chair
Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Medicine
Duane M. Stillions, M.D., License Number: D78260
Case Number: 2221-0088

Dear Dr. Freas and Members of Disciplinary Panel B,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-403 (2014 Repl. Vol. & 2020 Supp.), I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D78260, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that on January 29, 2021, the Board initiated an investigation of my practice. Based on the investigation, on March 9, 2021, Panel B issued an *Order for Summary Suspension* (the "Order") of my license. The Board also voted to issue disciplinary charges against me under Health Occ. § 14-404(a)(a)(3)(ii)¹, (8)² & (43)³. Specifically, Panel B alleged that I diverted CDS from a healthcare facility where I practiced medicine. A copy of the Order is attached as Attachment 1. I have decided to surrender my license to practice medicine in the State of Maryland to avoid further investigation and prosecution of the Order and the disciplinary charges.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the Order and the

¹ Is guilty of unprofessional conduct in the practice of medicine

² Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in §5-101 of the Criminal Law Article

³ Violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine

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disciplinary charges. I acknowledge that for all purposes related to medical licensure, the charges will be treated as proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, and the National Practitioner Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.), and that this Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article. I also agree to surrender my Controlled Dangerous Substances Registration to the Office of Controlled Substances Administration.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel B or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I file a petition for reinstatement, I will approach Panel B or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to consult with an attorney prior to signing this Letter of Surrender. I have consulted with and was represented by an attorney prior to signing this letter surrendering my license to practice medicine in Maryland. I understand both the nature of Panel B's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Damean W. E. Freas, D.O. and Members of Disciplinary Panel B
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Very truly yours,
Signature on File
Signature on File

 Duane M. Stillions, M.D.

NOTARY

STATE OF District of Columbia

CITY/COUNTY OF Washington

I HEREBY CERTIFY that on this 30 day of March, 2021
before me, a Notary Public of the City/County aforesaid, personally appeared Duane M.
Stillions, M.D., and declared and affirmed under the penalties of perjury that the signing
of this Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Notary Public

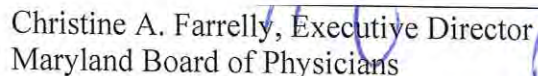
My commission expires: 3/31/2021



ACCEPTANCE

On behalf of Disciplinary Panel B, on this 13th day of April, 2021,
I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of Duane M. Stillions, M.D.'s
license to practice medicine in the State of Maryland.

Signature on File
Signature on File


Christine A. Farrelly, Executive Director
Maryland Board of Physicians

Attachment 1

IN THE MATTER OF	*	BEFORE THE
DUANE M. STILLIONS, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D78260	*	Case Number: 2221-0088
* * * * *	*	* * * * *

**ORDER FOR SUMMARY SUSPENSION OF LICENSE
TO PRACTICE MEDICINE**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **DUANE M. STILLIONS, M.D.** (the “Respondent”), license number D78260, to practice medicine in the State of Maryland.

Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c)(2) (2014 Repl. Vol. & 2020 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to Panel B and the investigatory information obtained by, received by and made known to and available to Panel B, including the instances described below, Panel B has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on July 24, 2014. His license is active and is scheduled to expire on September 30, 2021.
2. The Respondent is board-certified in anesthesiology and critical care medicine. From 2014 until January 2021, the Respondent was employed by a health care facility staffing company and primarily practiced as an intensivist at a health care facility located in Montgomery County, Maryland ("Facility A").
3. Prior to being licensed in the State of Maryland, the Respondent held a license in the District of Columbia (D.C.), where the Respondent was employed at a healthcare facility in the D.C. (the "D.C. Facility").
4. In approximately May 2009, the Respondent was terminated from the D.C. Facility after an investigation by the D.C. Facility that determined that the Respondent had misused and diverted controlled dangerous substances (CDS) at the D.C. Facility. A report of the investigation was later obtained by the District of Columbia Board of Medicine ("D.C. Board").
5. On or about August 18, 2009, the Respondent voluntarily surrendered his license to practice medicine in D.C.
6. On or about November 16, 2009, (the "D.C. Board") suspended the Respondent's license for at least two years based on the findings of the report of the D.C. Facility.

7. On or about August 22, 2012, the D.C. Board and the Respondent entered into a Negotiated Settlement Agreement that reinstated the Respondent's D.C. license. The agreement required the Respondent to be supervised by a Board-approved anesthesiologist and to enroll in the D.C. Physician Health Program.

COMPLAINT

8. On or about January 29, 2021, the Board received a Mandated 10-Day Report² (the "Complaint") stating that effective January 20, 2021, the Respondent's clinical privileges and medical staff membership at Facility A had been "summarily suspended" based on eyewitness accounts and forensic evidence indicating that the Respondent had "diverted a controlled substance."

9. Based on the Complaint, the Board began an investigation.

INVESTIGATION

10. In furtherance of the investigation, the Board obtained a written response from the Respondent to the Complaint, interviewed witnesses, and obtained the Respondent's personnel records from Facility A. The evidence obtained indicate that on multiple occasions when the Respondent was working on the Surgical Intensive Care Unit (SICU), he diverted controlled dangerous substance ("CDS") from patient IV medication pumps.

11. Included with the Respondent's personnel records were statements to Facility A from two eyewitnesses, both clinical nurses ("Clinical Nurse A" & "Clinical Nurse B"),

² See Health Occ. § 14-413.

who directly observed the Respondent diverting a CDS by siphoning from patients' intravenous medication pumps on multiple occasions.

12. Clinical Nurse A reported that on January 3, 2021, she saw the Respondent

acting weird around an IV pump. He appeared to be manipulating the pump in some way. ... Later that day the same thing happened with the pump for room 8...I could tell he was manipulating the pump in some way. ... This Sunday, January 17, sometime after 4pm I saw him at the medication pump for the patient un room 12 and he was pulling something from the IV. I watched him remove the orange cap and withdrawal [*sic*] something from the tube. He then took the filled syringe and put it in his pocket.

13. Clinical Nurse A further reported that the pump from which the Respondent extracted the fluid contained CDS.

14. Clinical Nurse B reported nearly identical observations, specifically that on the morning of January 16, 2021,

I was standing outside of room 10. From where I was standing, I saw Dr. Stillions go to the outside of patient room 12 where the patient's medication pump was located. The patient in room 12 is a very sick, vented patient on several drips. Dr. Stillions had a syringe in his hand. At first I thought he was going to give the patient medication. He opened the orange cap and it fell to the floor. I then watched Dr. Stillions attach the syringe to the secondary line and withdrawal [*sic*] the patient's medication. I notice that he filled up a 10 cc syringe with the medication and then put the syringe in his chest pocket. He then took out a second syringe and did the same thing, filling it up with close to 10 cc of the medication. ... The medication associated with this line was [CDS].

15. Clinical Nurse B also reported that the following day, Sunday, January 17, 2021, she observed the Respondent again diverting CDS using the same *modus operandi*:

When he came out [of the doctors' lounge] he went directly to the supply room first; after the supply room he went straight to the patient's medication pump outside room 12. I was outside room 11 at this time. I watched Dr. Stillions withdrawal [*sic*] a full syringe of [CDS] from the tube. About this time, the charge nurse asked me to fill Dr. Stillions in on the status of the

patient in room 11. As I spoke to him I noticed that he appeared very hyperactive. After that when he left, I went back to the room 12 pump and I saw again that the orange cap was missing from the [CDS] tube.

16. On or about February 12, 2021, the Board conducted an interview with Facility A personnel under oath. Facility A personnel stated that after receiving the reports of the Respondent's conduct from Clinical Nurses A & B, Facility A conducted a forensic examination of the medication pump outside room 12. Based on the examination, Facility A concluded that "there was an amount of medication missing that we could not account for." The missing medication was the same CDS Clinical Nurses A & B observed the Respondent divert.

17. Facility A personnel also stated in the interview with the Board that the patient in room 12 was under the care of the Respondent when the Respondent was working on the unit. The patient was an intubated COVID-19 patient. During the COVID-19 pandemic, the IV medication pumps are located outside the patient rooms.

RESPONDENT'S WRITTEN RESPONSE

18. On or about February 18, 2021, the Board received a written response from the Respondent regarding the Complaint. In his written response, the Respondent acknowledged misusing CDS in the past and acknowledged that he "obtained" CDS from Facility A. He cited as a reason for his diversion of CDS at Facility A the stress of working as a physician during the COVID-19 pandemic. The Respondent also reported that

immediately after the suspension of his privileges at Facility A, he began a program that includes rehabilitation treatment.

CONCLUSION OF LAW

Based on the foregoing investigative findings, Panel B concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2020 Supp.), and Md. Code Regs. 10.32.02.08(B)(7)(a).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is, by a majority of the quorum of Panel B, hereby:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2) and Md. Code Regs 10.32.02.08(B)(7)(a), the Respondent's license to practice medicine in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that a post-deprivation Summary Suspension Hearing in accordance with Md. Code Regs. 10.32.02.08E has been scheduled for **Wednesday, March 24, at 1:00 p.m.** before Disciplinary Panel B;³ and be it further

ORDERED that at the conclusion of the post-deprivation Summary Suspension Hearing held before Panel B, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be held within

³ The hearing will take place via teleconference due to the COVID-19 pandemic. The Respondent will be informed of the procedure before the hearing.

thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and be it further

ORDERED that a copy of this Order for Summary Suspension shall be filed with the Board in accordance with Md. Code Ann., Health Occ. § 14-407 (2014 Repl. Vol. & 2020 Supp.); and be it further

ORDERED that this is an Order of Panel B, and, as such, is a **PUBLIC DOCUMENT**. See Health Occ. §§ 1-607, 14-411.1(b)(2), and Md. Code Ann., Gen. Prov. § 4-333(b)(6).

Signature on File

03/09/2021
Date

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

